

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NIPPON SHINYAKU, LTD.,

Plaintiff,

v.

SAREPTA THERAPEUTICS, INC.,

Defendant.

C.A. No. 21-1015-GBW

**REDACTED PUBLIC
VERSION**

SAREPTA THERAPEUTICS, INC. and
UNIVERSITY OF WESTERN AUSTRALIA,

Defendant/Counter-Plaintiff,

v.

NIPPON SHINYAKU CO., LTD.
and NS PHARMA, INC.,

Plaintiff/Counter-Defendants.

SPECIAL MASTER ORDER #3

Pursuant to Memorandum Opinion and Special Master Order #2 and the Special Master's ruling on Nippon Shinyaku's¹ motion to compel (D.I. 254), on July 10, 2023, Sarepta² submitted copies of both the fully unredacted and fully redacted versions of the Roche Agreement for *in camera* review by the Special Master to assess the scope and appropriateness of the redactions.

Having carefully reviewed both documents, the Special Master finds that, with the exception of the redaction to [REDACTED] of the Roche Agreement, all of the other redactions in

¹ Nippon Shinyaku, Ltd. and NS Pharma, Inc. (collectively, "Nippon Shinyaku")

² Sarepta Therapeutics, Inc. ("Sarepta")

the fully redacted version of the Roche Agreement are appropriate and properly encompass information that is not relevant to this case, and therefore should remain redacted.

Regarding [REDACTED] of the Roche Agreement, the Special Master finds that the redaction to this section is overbroad because [REDACTED]

Accordingly, **IT IS HEREBY ORDERED** that, within three (3) business days of this Order, Sarepta shall prepare a revised fully redacted version of the Roche Agreement for production to Nippon Shinyaku that reflects the following revised redaction to [REDACTED] of the Roche Agreement:

[REDACTED]

* * *

This Order is preliminarily submitted under seal as a precaution because the fully unredacted Roche Agreement is identified as highly confidential. Within three (3) business days of this Order, the parties shall jointly email the Special Master and advise of any proposed redactions.

IT IS SO ORDERED.

Dated: July 14, 2023

Monte T. Squire

Special Master Monté T. Squire